

Lafcadio H. Darling, ABA #1510084  
HOLMES WEDDLE & BARCOTT, P.C.  
3101 Western Avenue, Suite 500  
Seattle, Washington 98121  
Telephone: (206) 292-8008  
Facsimile: (206) 340-0289  
Email: ldarling@hwb-law.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF ALASKA

SILVER SPOON LLC, an Alaska  
limited liability company,

Plaintiff,

v.

KATYA DAWN, INC., a  
Washington corporation,

Defendant.

IN ADMIRALTY

Case No.

**COMPLAINT FOR DISCHARGE OF MARITIME LIEN  
(46 U.S.C. § 31343)**

COMES NOW the Plaintiff, Silver Spoon LLC (“Silver Spoon”) by and  
through its attorneys, Holmes Weddle & Barcott, P.C., and complains against  
Defendant, Katya Dawn, Inc. (“Katya Dawn”) as set forth below.

**JURISDICTION**

1. Jurisdiction is based upon 28 U.S.C. § 1333, admiralty, and 28 U.S.C.  
§ 1331, federal question, specifically 46 U.S.C. § 31343. This is an admiralty or  
maritime claim within the meaning of Fed. R. Civ. P. 9(h).

2. Silver Spoon is the owner of the vessel SILVER SPOON, Official

**COMPLAINT FOR DISCHARGE OF  
MARITIME LIEN (46 U.S.C. § 31343) - 1**  
*Silver Spoon LLC v Katya Dawn, Inc.*  
Case No.

1. Number 667179 (“Vessel”).

2.           3. Silver Spoon seeks a declaration that the Vessel is not subject to a  
3. certain Notice of Claim of Maritime Lien or to the maritime liens asserted therein.  
4.

5.           4. The Vessel is currently located in the District of Alaska.

6.           5. The lien that is the subject of this action arose from an alleged  
7. maritime tort involving the vessels SILVER SPOON and KATYA DAWN that  
8. occurred on July 24, 2017 and that resulted in a Restitution Judgment against  
9. Michael Louis Carr, in the amount of \$80,696.80 issued by the Alaska State  
10. District Court at Naknek Case No. 3NA-18-00004CR. A true and correct copy of  
11. the Restitution Judgment is attached hereto as **Exhibit A**.  
12.

13.           6. The full amount of the Restitution Judgment was paid by Plaintiff  
14. received by the District Court on February 18, 2021 pursuant to Receipt No.  
15. 1823129.  
16.

17.           7. Silver Spoon is an Alaska limited liability company registered and  
18. doing business in this District.  
19.

20.           8. Katya Dawn is a Washington corporation doing business in this  
21. District.  
22.

23.                   **COUNT I: DISCHARGE OF MARITIME LIEN**

24.           9. Katya Dawn, Inc. (“Defendant”), a Washington corporation, filed a  
25. Notice of Claim of Maritime Lien against the Vessel relating to the July 24, 2017  
26.

27. **COMPLAINT FOR DISCHARGE OF  
MARITIME LIEN (46 U.S.C. § 31343) - 2**  
*Silver Spoon LLC v Katya Dawn, Inc.*  
Case No.

incident with the United States Coast Guard on April 21, 2020 at 6:02 p.m. (“the Lien Claim”) as evidenced by the General Index or Abstract of Title for the Vessel.

A copy of the Abstract is attached hereto as **Exhibit B**.

10. The amount of Defendant’s Lien Claim in the Notice is \$220,891.73.

11. The Restitution Judgment has now been paid in full, discharging the liability and indebtedness that is the basis for the Lien Claim.

12. Defendant’s Notice of Claim of Maritime Lien is a cloud on the title to the Vessel and impairs the use and marketability of the Vessel.

13. Despite full payment of the Restitution Judgment covering the Lien Claim, and despite the fact that any further claim is time-barred by estoppel, statute of limitations or laches, Katya Dawn has failed to provide notice of discharge of the Lien Claim to the United States Coast Guard as required by 46 U.S.C. §31343(c)(1). In the absence of the lienholder providing such required notice, 46 U.S.C. §31343(c)(2) authorizes this Court to discharge maritime liens entered with the United States Coast Guard upon full and final discharge of the underlying indebtedness.

**WHEREFORE**, Silver Spoon prays that the Court declare and award as follows:

1. Enter judgment under 46 U.S.C. §31343 declaring that the Vessel is not subject to any maritime lien in favor of Defendant and discharging the Notice

**COMPLAINT FOR DISCHARGE OF  
MARITIME LIEN (46 U.S.C. § 31343) - 3**  
*Silver Spoon LLC v Katya Dawn, Inc.*  
Case No.

1. of Claim of Maritime Lien against the Vessel filed with the United States Coast  
2. Guard on April 21, 2020, as reflected on the Abstract of Title.

3.  
4. 2. Enter such other and further relief as the court deems reasonable and  
5. just.

6. DATED this 17<sup>th</sup> day of May, 2021.

7. HOLMES WEDDLE & BARCOTT, P.C.  
8. Attorney for Plaintiff

9. s/ Lafcadio H. Darling  
10. Lafcadio H. Darling, ABA #1510084

11.  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27. **COMPLAINT FOR DISCHARGE OF  
MARITIME LIEN (46 U.S.C. § 31343) - 4**  
*Silver Spoon LLC v Katya Dawn, Inc.*  
Case No.